

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

STATE OF WASHINGTON,

Respondent,

v.

LATOYA MARTIN,

Appellant.

No. 39325-5-II

UNPUBLISHED OPINION

PENoyer, A.C.J. — Latoya Monique Martin appeals her conviction of second degree organized retail theft. She contends that the evidence was insufficient to prove that the items taken had a value over \$250.<sup>1</sup> We affirm.<sup>2</sup>

**FACTS**

Martin and an accomplice, Ann Preston, took several items, including two cameras, two photo printers, and a DVD player, from Wal-Mart Store’s electronics department. They were stopped outside the store and the merchandise was recovered. Asset protection officer John Brown testified that he took the items to a cashier, who scanned them and produced a sales receipt. According to the receipt, the total value of the stolen goods was \$792.43.

Defense counsel asked Brown if he would know the prices of each of the items without the receipt, and he said no. Counsel then objected to admission of the receipt, citing “foundation”

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<sup>1</sup>At the time of this crime, a person was guilty of second degree organized retail theft if he or she stole property with a value of at least \$250 from a mercantile establishment with an accomplice. Former RCW 9A.56.350(1)(a), and (3). The statute has since been modified to increase the value required. *See* Laws of 2009, ch. 431, § 15.

<sup>2</sup> A commissioner of this court considered this matter pursuant to RAP 18.14 and referred it to a panel of judges.

as the basis. Report of Proceedings at 25. The court then questioned Brown about the process of generating the receipt and determined that he was present when it was done. Following that explanation, the court overruled the objection.

#### ANALYSIS

Martin challenges the register receipt on two grounds, asserting lack of foundation and insufficient evidence of market value. She relies on *State v. Kleist*, 126 Wn.2d 432, 895 P.2d 398 (1995), which held that retail price tags require foundation testimony where the defendant disputes the accuracy of the tags with regard to value. *Kleist*, 126 Wn.2d at 436.

Objections to evidence must state specific grounds so that the trial court is informed on the issue and the adversary has an opportunity to correct it. *State v. Casteneda-Perez*, 61 Wn. App. 354, 363, 810 P.2d 74 (1991). If an objection is too indefinite to satisfy this requirement, error cannot be based on the overruling of the objection. *State v. Boast*, 87 Wn.2d 447, 451, 553 P.2d 1322 (1976). An objection claiming lack of foundation is a general objection that will not be viewed as preserving an issue for appeal. *City of Seattle v. Carnell*, 79 Wn. App. 400, 403, 902 P.2d 186 (1995).

Martin made only a general foundation objection without further explanation. Unlike the defendant in *Kleist*, she did not challenge the accuracy of the retail prices indicated by the register receipt, and she did not argue that Wal-Mart's price was not a valid indicator of market value, or offer any evidence of the price of similar goods in other stores.

All that the trial court could possibly have gleaned from Martin's objection was that Brown did not have personal knowledge about the retail prices. Brown's subsequent testimony provided an adequate basis to admit the register receipt. In the absence of the sort of specific

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challenge made in *Kleist*, the receipt was sufficient evidence of value. *See Kleist*, 126 Wn.2d at 436, 440; *State v. Wilson*, 141 Wn. App. 597, 609, 171 P.3d 501 (2007).

Affirmed.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

Penoyar, A.C.J.

We concur:

Armstrong, J.

Quinn-Brintnall, J.